

To: Stoy, Alyse[Stoy.Alyse@epa.gov]; Juett, Lynn[Juett.Lynn@epa.gov]; Vann, Bradley[Vann.Bradley@epa.gov]; Jackson, Robert W.[Jackson.Robertw@epa.gov]
From: Field, Jeff
Sent: Wed 4/22/2015 3:54:25 PM
Subject: RE: Revision(s) to letter

Ok.

From: Stoy, Alyse
Sent: Tuesday, April 21, 2015 3:33 PM
To: Juett, Lynn; Field, Jeff; Vann, Bradley; Jackson, Robert W.
Subject: RE: Revision(s) to letter

Lynn – happy to shorten this, but there is no quick way to cite and quote to the NCP. Let me know if you all are OK with the substance and I can streamline from there.

Temporary relocation can be carried out pursuant to CERCLA removal or remedial authorities, whereas permanent relocation can only be required by EPA as a CERCLA remedial action. The NCP states that, “[t]emporary or permanent relocation of residents, businesses, and community facilities may be provided where it is determined necessary to protect human health and the environment” (40 CFR section 300, App. D(g)). For EPA to consider permanent relocation, the NCP defines a process where nine criteria (40 CFR section 300.430(e)(9)(iii)(A)-(I)) are to be used to analyze remedial alternatives to ensure that selected remedies meet the program’s goals . Because permanent relocation is considered a remedial action, it is selected for use at a Superfund site only when it has been evaluated through this process and determined to be the best overall remedy for the site. The applicable standard for a removal action is set forth in 40 C.F.R. § 300.415, and provides that where a lead agency makes a determination, based on the factors in 40 C.F.R. § 300.415 (b)(2), that there is a threat to public health or welfare of the United States or the environment, the lead agency may take any appropriate removal action to abate, prevent, minimize, stabilize, mitigate, or eliminate the release or the threat of release.

Alyse Stoy

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From: Juett, Lynn

Sent: Tuesday, April 21, 2015 1:53 PM

To: Field, Jeff; Jackson, Robert W.; Vann, Bradley; Stoy, Alyse

Subject: RE: Revision(s) to letter

This looks good to me, I will move it forward for final review when I have the additional language from Alyse. Thanks everyone.

Thank you,

Lynn M. Juett

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From: Field, Jeff

Sent: Tuesday, April 21, 2015 8:10 AM

To: Jackson, Robert W.; Vann, Bradley; Juett, Lynn; Stoy, Alyse

Subject: Revision(s) to letter

Thank you for your calls on March 27 and April 9 regarding the West Lake Landfill superfund site. I appreciated the opportunity to introduce myself to you and others on the March 27th call in my new role as EPA Region 7's Acting Regional Administrator. As I said during the call, I am committed to carrying out EPA's responsibility to protect human health and address contaminants at the West Lake Superfund Site under all of our federal environmental laws, including CERCLA.

With this letter I am responding to the questions you raised during those calls and in your March 30, 2014 letter. EPA has CERCLA oversight authority for Operable Unit 2, which includes the Bridgeton Landfill to ensure the remedy described in the 2008 OU-2 ROD remains protective. As a part of that remedy decision, EPA deferred to the State of Missouri, as a federally approved regulator for solid waste landfills, areas including the Bridgeton Landfill at the site to be operated under an existing state permit, and subsequently subject to the terms of their appropriate post-closure care requirements, to include corrective action. It is also within EPA's oversight authority to ensure that the right steps are taken to adequately monitor and address any potential releases of hazardous substances from all areas within the boundaries of the site.

In your March 30 letter, you request EPA relocate nearby residents due to the SO₂ emissions from the flares located on the Bridgeton Landfill. The Missouri Department of Health and Senior Services analyzes ambient air monitoring data for the Bridgeton Landfill collected by the Missouri Department of Natural Resources, and to date the state reports summarizing this analysis do not indicate potential public health concerns for short-term health effects. The data from VOC, H₂S, CO, benzene and gamma radiation monitoring is posted daily by MDNR. We are continuing to work closely with MDNR on monitoring plans to address potential health concerns as well as any needs for future air permitting actions to ensure the SO₂ National Ambient Air Quality Standards requirements are met.

We continue to evaluate all air emission data and other Site-related information, with the goal to ensure that all appropriate response actions are considered and implemented consistent with CERCLA, the NCP, and EPA Superfund program guidance across the entire West Lake Superfund Site. **The applicable legal standard to relocate under CERCLA is 'Add quote, and citation to NCP (Alyse adding language here)'. Based on the information we have at this time, circumstances at the West Lake Superfund site do not meet that legal standard for relocation under CERCLA authority.**

Just as a matter of clarification, the decision to conduct a supplemental feasibility study for OU-1 was not based upon the presence of the SSE at the Bridgeton Landfill, as suggested in your March 30 letter. Rather our decision was in response to concerns raised by the community regarding EPA's decision to cap the Site and leave RIM in place. As a result, we have chosen to more thoroughly explore other potential alternate remedies, including full and partial excavation.

Finally, on the March 27 call there were references to illnesses and symptoms believed by the community to be related to emissions from the landfill. In addition to relaying these concerns to EPA, anyone who has specific individual health concerns should speak with their primary care provider. This way, if their health condition, as diagnosed by a physician, is a reportable condition under Missouri law, it will automatically be reported to the state or local health department. If they do not have a primary care provider and they are a St. Louis County resident, then the county health department may be able to provide services to fill that gap, and they should contact the county health department directly.

I can assure you that EPA takes very seriously our responsibility to protect human health using the best scientific data available in conjunction with our federal environmental laws. We appreciate hearing from the community about issues related to the site that are important for EPA to consider. I look forward to continued engagement with the community.